

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK DIJONNE SIMS,

Defendant.

2:22-CR-148-RFB-NJK

Final Order of Forfeiture

The United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture under Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(2); 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c); and 18 U.S.C. § 924(d)(1), (2)(C), and (3)(B) with 28 U.S.C. § 2461(c) based upon the plea of guilty by Patrick Dijonne Sims to the criminal offenses, forfeiting the property set forth in the Amended Memorandum in Support of Plea, the Bill of Particulars, and the Forfeiture Allegations of the Criminal Indictment and shown by the United States to have the requisite nexus to the offenses to which Patrick Dijonne Sims pled guilty. Criminal Indictment, ECF No. 16; Bill of Particulars, ECF No. 33; Amended Memorandum in Support of Plea, ECF No. 45; Change of Plea, ECF No. 50; Preliminary Order of Forfeiture, ECF No. 62, p. 8-11.

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov,

1 consecutively from December 6, 2023, through January 4, 2024, notifying all potential third
2 parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF No.
3 64-1, p. 5.

4 This Court finds the United States notified known third parties by regular mail and
5 certified mail return receipt requested of their right to petition the Court. Notice of Filing
6 Service of Process – Mailing, ECF No. 63.

7 On December 8, 2023, the United States Attorney’s Office attempted to serve Erich
8 Brundage at Las Vegas, NV 89166 with copies of the Preliminary Order of Forfeiture and
9 the Notice through regular mail and certified mail return receipt requested. The regular mail
10 and certified mail were both returned as forward time expired. Notice of Filing Service of
11 Process – Mailing, ECF No. 63-1, p. 3, 6-17.

12 On December 8, 2023, the United States Attorney’s Office served Erich Brundage at
13 Clarksville, TN 37043 with copies of the Preliminary Order of Forfeiture and the Notice
14 through regular mail and certified mail return receipt requested. Notice of Filing Service of
15 Process – Mailing, ECF No. 63-1, p. 3, 6-13, 18-19.

16 On December 8, 2023, the United States Attorney’s Office attempted to serve Erich
17 Brundage at Las Vegas, NV 89131 with copies of the Preliminary Order of Forfeiture and
18 the Notice through regular mail and certified mail return receipt requested. The regular mail
19 and certified mail were both returned as no such number, unclaimed, and unable to
20 forward. Notice of Filing Service of Process – Mailing, ECF No. 63-1, p. 3, 6-13, 20-22.

21 On December 8, 2023, the United States Attorney’s Office served and attempted to
22 serve Erich Brundage at Las Vegas, NV 89149 with copies of the Preliminary Order of
23 Forfeiture and the Notice through regular mail and certified mail return receipt requested.
24 The regular mail was not returned. The status of the certified mail is unknown as USPS has
25 the mail moving through the network since December 15, 2023. Notice of Filing Service of
26 Process – Mailing, ECF No. 63-1, p. 3, 6-13, 23-25.

27 On December 8, 2023, the United States Attorney’s Office served and attempted to
28 serve Erich Brundage at Las Vegas, NV 89128 with copies of the Preliminary Order of

1 Forfeiture and the Notice through regular mail and certified mail return receipt requested.
2 The regular mail was not returned. The certified mail was returned as unclaimed and unable
3 to forward. Notice of Filing Service of Process – Mailing, ECF No. 63-1, p. 3, 6-13, 26-28.

4 On December 8, 2023, the United States Attorney’s Office attempted to serve Jessica
5 Braithwaite at Cookeville, TN 38501 with copies of the Preliminary Order of Forfeiture and
6 the Notice through regular mail and certified mail return receipt requested. The regular mail
7 and certified mail were both returned as not deliverable as addressed and unable to forward.
8 Notice of Filing Service of Process – Mailing, ECF No. 63-1, p. 3-4, 6-13, 29-31.

9 On December 8, 2023, the United States Attorney’s Office attempted to serve Jessica
10 Braithwaite at Las Vegas, NV 89166 with copies of the Preliminary Order of Forfeiture and
11 the Notice through regular mail and certified mail return receipt requested. The regular mail
12 and certified mail were both returned as attempted not known, unclaimed, and unable to
13 forward. Notice of Filing Service of Process – Mailing, ECF No. 63-1, p. 4, 6-13, 32-34.

14 On December 8, 2023, the United States Attorney’s Office served Jessica Braithwaite
15 at Cordova, TN 38018 with copies of the Preliminary Order of Forfeiture and the Notice
16 through regular mail and certified mail return receipt requested. Notice of Filing Service of
17 Process – Mailing, ECF No. 63-1, p. 4, 6-13, 35-36.

18 This Court finds no petition was filed herein by or on behalf of any person or entity
19 and the time for filing such petitions and claims has expired.

20 This Court finds no petitions are pending regarding the property named herein and
21 the time has expired for presenting such petitions.

22 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
23 all possessory rights, ownership rights, and all rights, titles, and interests in the property
24 hereinafter described are condemned, forfeited, and vested in the United States under Fed.
25 R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C.
26 § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 881(a)(6) with
27 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(2);
28 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1), (2)(C), and (3)(B)

1 with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(n)(7) and shall be disposed of according to
2 law:

- 3 1. \$10,198;
- 4 2. a CANIK55, Model TP-9SF, 9 mm pistol, bearing serial number 20AT36205;
- 5 and
- 6 3. any and all compatible ammunition
- 7 (all of which constitutes property).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that under Fed. R.
9 Crim. P. 32.2(c) and 21 U.S.C. § 853(n)(7), all possessory rights, ownership rights, and all
10 rights, titles, and interests in the property are extinguished and are not recognized for
11 Patrick Dijonne Sims, Erich Brundage, Jessica Braithwaite, and all third parties.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the forfeited
13 property shall be disposed of according to law.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED _ Februray 23, __, 2024.

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20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
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